

### **REMARKS**

Claims 1 and 32 have been amended. Proper support for the amendment to the claims is found in the specification, at least, at paragraphs [0022], [0026] and [0037]. Claims 11 and 23 have been canceled without prejudice or disclaimer. Claims 1, 9, 12, 21, 24, 26, and 32-38 are pending and under consideration. Claims 1, 12 and 32 are the independent claims. No new matter is presented in this Amendment.

### **REJECTIONS UNDER 35 U.S.C. §103:**

Claims 1, 9, 11, 12, 21, 23, 24, 26, 32, and 33 are rejected under 35 U.S.C. §103(a) as being unpatentable over Satoh et al. (U.S. Patent No. 5,870,374), in view of Ohno et al. (U.S. Patent Application Publication No. 2002/0024923).

Regarding the rejection of independent claim 1, it is noted that claim 1 recites an information storage medium comprising: a user data area provided with a sequence of basic recording units to record user data, wherein information about the user data area, where user data is recorded, is recorded in at least one of a run-in area and a run-out area of each basic recording unit of the user data area, and wherein the information about the user data area includes layer information of the information storage medium recorded in the form of consecutive patterns of identical intervals or in the form of different patterns of different sized intervals depending on an information storage layer.

The Office Action relies on Satoh for a teaching of several of the features of independent claim 1, and in particular states that Satoh teaches that the information about the user data area includes layer information of the information storage medium recorded in the form of consecutive patterns of identical intervals or in the form of different patterns of different size intervals and cites Fig. 5 and column 3, lines 44-56 of Satoh for such teachings.

Applicants respectfully traverse such characterization for at least the following reason.

Initially, Applicants note that Satoh teaches in FIG. 4, recording layers 3 and 4 comprising a plurality of concentric tracks 6a and 6b, respectively (the tracks are shown in parallel for convenience in Fig. 4). The tracks 6a and 6b are shifted against each other in the radial direction by half of a track pitch Pt. Each track is divided into a plurality of sectors S, each of which has an identification section (referred to as ID<sub>a</sub> for the track 6a and as ID<sub>b</sub> for the track

6b) and a data field DF for storing data.

Satoh also teaches in FIG. 5, that each identification section ID<sub>a</sub> or ID<sub>b</sub> comprises a section SYNC for synchronizing clocks, an address mark AM indicating a start of an address signal, a track address TA, a sector address SA and a recording layer address LA. In other words, the only section of the ID that includes layer information, is section LA. All other sections of the ID, such as, the SYNC, AM, TA and SA sections, do not contain layer information.

Therefore, although Satoh teaches layer information, provided in the form of an address, Satoh makes no reference or suggestion of the layer information being recorded in the form of consecutive patterns of identical intervals or in the form of different patterns of different sized intervals. As noted above, the other sections of the ID, do not provide any type of layer information.

Accordingly, Applicants respectfully assert that Satoh fails to teach or suggest, at least, this novel feature of independent claim 1.

Ohno, on the other hand, is relied upon for a teaching of recording information about a user data area in at least one of a run-in and run-out areas of each basic recording unit of the user data area. Accordingly, Applicants respectfully assert that Ohno fails to teach or suggest the novel feature of layer information being recorded in the form of consecutive patterns of identical intervals or in the form of different patterns of different sized intervals, as recited in independent claim 1, and thus fails to cure the deficiencies of Satoh.

Furthermore, Applicants respectfully assert that Ohno fails to teach or suggest the novel feature for which it is relied. As noted in paragraphs [0017] and [0018] of Ohno, the reference simply teaches the presence of a run-in block and a run-out block, but fails to make and reference or suggestion of these blocks having information recorded thereon about a user data area in at least one of a run-in and run-out areas of each basic recording unit of the user data area.

Accordingly, Applicants respectfully assert that the rejection of claim 1 under 35 U.S.C. §103(a) should be withdrawn because neither Satoh nor Ohno, whether taken singly or combined, teach or suggest each feature of independent claim 1.

Regarding the rejection of independent claims 12 and 32, it is noted that these claims recite some substantially similar features as claim 1. Thus, the rejection of these claims is also

traversed for substantially the same reasons set forth above.

Furthermore, Applicants respectfully assert that dependent claims 9, 21, 24, 26 and 33 are allowable at least because of their dependency from claims 1, 12 and 32, and because they include additional features which are not taught or suggested by the prior art. Therefore, it is respectfully submitted that claims 9, 11, 21, 23, 24, 26 and 33 also distinguish over the prior art. Regarding the rejection of claims 11 and 23, it is noted that these claims have been cancelled without prejudice or disclaimer. Accordingly, the rejection of these claims is moot.

Claims 34-38 are rejected under 35 U.S.C. §103(a) as being unpatentable over Satoh et al. (U.S. Patent No. 5,870,374), in view of Ohno et al. (U.S. Patent Application Publication No. 2002/0024923) and further in view of Ito et al. (U.S. Patent No. 5,881,032).

Regarding the rejection of claims 34-38, it is noted that these claims depend from independent claim 32, and as noted above, neither Satoh nor Ohno, whether taken singly or combined, teach or suggest the novel features of independent claim 32.

Ito, on the other hand, is relied upon for a teaching of features other than those recited in the independent claim, and thus fails to cure the deficiencies of Satoh and Ohno.

Accordingly, Applicants respectfully assert that the rejection of claims 34-38 under 35 U.S.C. §103(a) should be withdrawn because neither Satoh, Ohno nor Ito, whether taken singly or combined, teach or suggest each feature of independent claim 32 from which claims 34-38 depend.

#### **CONCLUSION:**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

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